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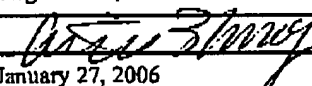
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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/088,876 | |
| | Filing Date | January 16, 2003 | |
| | First Named Inventor | Jason Peter Brown | |
| | Art Unit | 1646 | |
| | Examiner Name | Gyan Chandra | |
| Total Number of Pages in This Submission | 4 | Attorney Docket Number | PC18044A |

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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
| Firm or Individual name | Austin W. Zhang Reg. No. 48,061 | |
| Signature |  | |
| Date | January 27, 2006 | |

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PC18044A

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT : Jason Peter Brown, et al.

EXAMINER: Gyan Chandra

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SERIAL NO : 10/088,876

ART UNIT : 1646

JAN 27 2006

FILED : January 16, 2003

CONF. NO.: 4968

FOR : SECRETED SOLUBLE ALPHA2DELTA-2, ALPHA2DELTA-3 OR
ALPHA2DELTA-4 CALCIUM CHANNEL SUBUNIT
POLYPEPTIDES AND SCREENING ASSAYS USING SAME

REPLY TO ELECTION/RESTRICTION REQUIREMENT

January 27, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is in response to the Office action mailed 12/27/2005, which made a lack of unity of invention requirement.

A. Restriction

The Examiner alleges that the inventions listed as Groups 1-94 in the Office action do not relate to a single inventive concept under PCT Rule 13.1 and, consequently, requires the Applicant, in accordance with 37 CFR 1.499, to elect a single invention to which the claims must be restricted. In explaining the reasons for the requirement on page 3 of the Office action, the Examiner listed five different groups of claims: I (groups 1), II (groups 2-24), III (group 25-47), IV (groups 48-70), and V (groups 71-94), specifically described the unique special technical feature in each group, and explained why each group lacks unity with each other group. Accordingly, it is Applicants' understanding that the Examiner has considered that claims in each of groups I, II, III, IV, and V have unity of invention and, consequently, has required Applicant to elect a

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single group from Groups I-V. Accordingly, Applicants hereby provisionally elect Group II, with traverse.

Applicants respectfully submit that they have a right to also have Group III (groups 25-47) included in the application along with Group II (groups 2-24). As the Examiner has acknowledged, "groups 2-24" recite the special technical feature of a calcium channel and "groups 25-47" recite the special technical feature of nucleic acid sequences. Because the nucleic acid sequences recited in Groups 25-47 encode the calcium channel recited in Groups 2-24, as the Examiner has acknowledged, the calcium channel and the nucleic acid sequences share a corresponding special technical feature. Consequently, the claims in Group II drawn to the calcium channel and claims in Group III drawn to the nucleic acid sequences have unity of invention, and as such, should be included in the same application.

B. Election of Species

The Examiner alleges that the application contains more than one species of the generic invention and that the species are deemed to lack unity of invention under PCT Rule 13.1. Consequently, the Examiner requires the Applicant to elect a single species. Applicants provisionally elect, with traverse, "SPA assay" for the screening assay, claims readable thereon being claims 47, 48, and 49. Applicants also provisionally elect, with traverse, "gabapentin" for the ligand, claims readable thereon being claims 49, 50, 51, and 52.

With respect to the screening assays, Applicants respectfully submit that they all require use of a soluble calcium channel $\alpha 2\delta$ subunit; thus, soluble calcium channel $\alpha 2\delta$ subunit is a special technical feature common to these assays. Accordingly, unity of invention exists among these assays.

With respect to the claims reciting various ligands, Applicants respectfully submit that all these ligands are amino acids and, thus, are members of a recognized class of compounds. Therefore, unity of inventions exists among these claims.

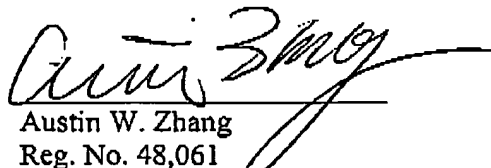
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For the above reasons, Applicants respectfully request reconsideration and withdrawal of the requirements.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Austin W. Zhang", written over a horizontal line.

Austin W. Zhang

Reg. No. 48,061

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